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7 Attorneys for the Arizona State Board of Pharmacy

8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**
9

10 In the Matter of

11 **Christa Winborn,**

12 Holder of License No. T027282
As a Pharmacy Technician Trainee
13 In the State of Arizona

Board Case No. 13-0015-PHR

**CONSENT AGREEMENT
AND ORDER FOR SUSPENSION
AND PROBATION**

14 In the interest of a prompt and judicious settlement of this case, consistent with the
15 public interest, statutory requirements and the responsibilities of the Arizona State Board
16 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Christa Winborn
17 ("Respondent"), holder of Pharmacy Technician License Number T027282 in the State of
18 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions
19 of Law and Order ("Consent Agreement") as a final disposition of this matter.
20

21 **RECITALS**

22 1. Respondent has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.

25 2. Respondent understands that she has a right to a public administrative
26 hearing concerning this matter at which hearing she could present evidence and cross

1 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
2 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
3 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
4 and/or judicial action, concerning the matters set forth herein.

5 3. Respondent affirmatively agrees that this Consent Agreement shall be
6 irrevocable.

7 4. Respondent understands that this Consent Agreement or any part of the
8 agreement may be considered in any future disciplinary action by the Board against her.

9 5. Respondent understands this Consent Agreement deals with Board
10 complaint number 4200 involving allegations of unprofessional conduct against
11 Respondent. The investigation into these allegations against Respondent shall be
12 concluded upon the Board's adoption of this Consent Agreement.

13 6. Respondent understands that this Consent Agreement does not constitute a
14 dismissal or resolution of any other matters currently pending before the Board, if any,
15 and does not constitute any waiver, express or implied, of the Board's statutory authority
16 or jurisdiction regarding any other pending or future investigation, action or proceeding.

17 7. Respondent also understands that acceptance of this Consent Agreement
18 does not preclude any other agency, subdivision, or officer of this State from instituting
19 any other civil or criminal proceedings with respect to the conduct that is the subject of
20 this Consent Agreement.

21 8. Respondent acknowledges and agrees that, upon signing this Consent
22 Agreement and returning this document to the Board's Executive Director, she may not
23 revoke her acceptance of the Consent Agreement or make any modifications to the
24 document regardless of whether the Consent Agreement has been signed by the
25
26

Executive Director. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

9. This Consent Agreement is subject to the approval of the Board and is effective only when accepted by the Board and signed by the Executive Director. In the event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any action by any party, except that the parties agree that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or any records relating thereto.

10. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

11. Respondent understands that this Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board and may be reported as required by law to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

12. Respondent understands that any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-1901.01(C) (16), -1927.01(A) (1).

13. Respondent agrees that the Board will adopt the following Findings of Fact, Conclusions of Law and Order.

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...

1
2 ACCEPTED AND AGREED BY RESPONDENT

3
4 Christa Winborn
Christa Winborn

Dated: 4/19/13

5 Subscribed and sworn to before me in the County of Pinal, State of Arizona,
6 this 19 day of April, 2013, by Christa Winborn.



Angie Davidson
NOTARY PUBLIC

My Commission expires: May 17, 2016

FINDINGS OF FACT

13 1. The Board is the duly constituted authority for licensing and regulating the
14 practice of pharmacy in the State of Arizona.

15 2. Respondent is the holder of license number T027282 to practice as a
16 pharmacy technician trainee in the State of Arizona.

17 3. During all relevant times to these findings, Respondent worked as a
18 pharmacy technician trainee at Walgreen's Pharmacy #09840 located at 3111 W. Hunt
19 Highway, Queen Creek, Arizona (the "Pharmacy").
20

21 4. In September 2012 Walgreens staff noted a shortage of controlled
22 substances in a routine audit of the Pharmacy. As a result additional electronic
23 surveillance equipment was installed at the Pharmacy and on October 1, 2012
24 Respondent was observed on camera removing pills from a stock bottle and consuming
25 them. On October 3, 2012 Respondent was observed on camera removing pills from
26

1 stock bottles and placing the medications into her scrub pockets. Later that day
2 Respondent was interviewed by a Walgreen's district loss prevention manager and she
3 admitted that she had been stealing Hydrocodone, Oxycodone and Adderall because she
4 was addicted to pain medication. Respondent admitted to stealing two hundred (200) to
5 three hundred (300) or more pills from the Pharmacy but did not know the exact
6 quantities taken. A full controlled substances inventory completed on October 10, 2012
7 determined that \$18,388.75 in controlled substance had been stolen from the Pharmacy.
8

9 5. On February 18, 2013 Walgreen's district pharmacy supervisor informed
10 Board staff that Respondent was terminated from employment at the Pharmacy on
11 October 3, 2012 for theft of controlled substances.
12

13 CONCLUSIONS OF LAW

14 1. The Board possesses jurisdiction over the subject matter and over
15 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

16 2. The Board may discipline a pharmacy technician who has engaged in
17 unprofessional conduct. A.R.S. § 32-1927.01(A) (1).

18 3. The conduct and circumstances described above constitutes unprofessional
19 conduct pursuant to A.R.S. § 32-1901.01(C) (2) (Violating a federal or state law or
20 administrative rule relating to the manufacture or distribution of drugs or devices).

21 4. The conduct and circumstances described above constitutes unprofessional
22 conduct pursuant to A.R.S. § 32-1901.01 (C) (6) (Committing a felony, whether or not
23 involving moral turpitude, or a misdemeanor involving moral turpitude or any drug
24 related offense).
25
26

1 5. The conduct and circumstances described above constitutes a violation of
2 A.R.S. § 32-1968 (A) (A prescription-only drug shall be dispensed only on a written or
3 electronically transmitted prescription from a licensed medical practitioner).

4 **ORDER**

5 Based upon the above Findings of Fact and Conclusions of Law, the Board hereby
6 issues the following Order:

7 1. Respondent's Pharmacy Technician Trainee License No. T027282 is
8 hereby placed on **SUSPENSION**, for a period of time, no less than six months, and
9 thereafter **PROBATION** for a period of five years upon adoption of this Consent
10 Agreement by the Board.

11 2. Respondent shall, within ten (10) days of the effective date of this Order,
12 return her pharmacy technician trainee license to the Board office for the period of
13 **SUSPENSION**.

14 3. No sooner than six (6) months from the effective date of this Order,
15 Respondent may request in writing that the Board terminate the **SUSPENSION**.
16 Respondent's request to terminate suspension will be considered at a regularly scheduled
17 Board meeting. Respondent is required to personally appear at that Board meeting.

18 4. The period of **SUSPENSION** shall be determined by the Board after
19 reviewing:

20 (i) information from the Pharmacists Assisting Pharmacists Program (PAPA)
21 regarding Respondent's compliance with the terms of her PAPA program/contract;

22 (ii) a progress report/recommendation from Respondent's PAPA counselor, which
23 may be submitted in writing to the Board; and

24 (iii) any input from Respondent.
25
26

1 5. Within thirty (30) days of the effective date of this Consent Agreement
2 Respondent shall enter a five (5) year agreement with PAPA and be placed on probation
3 for a period of five (5) years subject to the following terms and conditions:

4 A. No sooner than five (5) years from the beginning of Respondent's
5 probationary period, Respondent shall request in writing that the Board terminate
6 her probation. Respondent's request for termination will be considered at a
7 regularly scheduled Board meeting. Respondent is required to personally appear
8 at that Board meeting. Respondent's probationary period will continue until
9 Respondent's request for termination is received and the Board terminates the
10 probation.

11 B. Respondent shall continue to comply with the terms of her PAPA
12 agreement.

13 C. Respondent shall furnish all pharmacy employers with a copy of this
14 Consent Agreement. Respondent shall ensure that all pharmacy employers submit
15 to the Board a written acknowledgement that they have received a copy of this
16 Consent Agreement within ten (10) days of entering into an employment
17 relationship with Respondent.

18 D. Respondent shall advise the Board within ten (10) days of any
19 change in pharmacy employment status.

20 6. Within five (5) years from the execution date of this Consent Agreement,
21 Respondent shall complete 400 hours of community service approved by Board staff.
22 Respondent shall ensure that all entities to which she provides community service verify
23 in writing to the Board the number of hours completed within 30 days of Respondent
24 completing the community service.

7. Respondent shall pay all necessary fees and complete all continuing education requirements throughout the term of her probation.

8. Throughout the term of Respondent's probation, Respondent shall personally appear before the Board when requested to do so by the Board or Board staff.

9. Respondent shall furnish the Board with a list of all jurisdictions in which she maintains or has maintained licensure in the profession of pharmacy along with the registration numbers of said licenses.

10. Respondent shall obey all federal and state laws and rules governing the practice of pharmacy.

11. Respondent shall execute all appropriate release of information forms to permit the Respondent's treatment professionals and PAPA to communicate with the Board regarding Respondent's treatment.

12. Respondent shall pay all costs associated with complying with this Consent Agreement, including all expenses associated with PAPA.

13. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board, after giving the Respondent notice and the opportunity to be heard, may revoke, suspend or take other disciplinary actions against Respondent's license. The issue at such a hearing will be limited solely to whether this Order has been violated.

DATED this 7 day of 11, 2013.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By:

HAL WAND, R.Ph.
Executive Director

1 ORIGINAL OF THE FOREGOING FILED

2 this 10 day of May, 2013, with:

3 Arizona State Board of Pharmacy

1616 W. Adams Street

4 Phoenix, Arizona 85007

5 COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL

6 this 10 day of May, 2013, to:

7 Christa Winborn

1139 W. Fruit Tree Lane

8 San Tan Valley, Arizona 85143

Respondent

9
10 COPY OF THE FOREGOING MAILED
this 10 day of May, 2013, to:

11 Montgomery Lee

Assistant Attorney General

12 1275 W. Washington Street, CIV/LES

Phoenix, Arizona 85007

13 Attorney for the Board

14 Doc. # 3196889